

REMARKS

Applicant thanks the examiner for the telephonic interview of March 2, 2006, between Susanna M. Diaz and Margo Maddux. Substance of the interview is recorded in the "Interview Summary" mailed on March 6, 2006.

The Office Action issued by the Examiner and the citations referred to in the office action have been carefully considered.

Claims 1-44, 46-51, and 53-59 are pending. Claims 1, 26, 41, 50, 57, and 58 are currently amended. Claim 59 is newly added.

Claim Rejections

Independent claims 1, 26, 41, 57, and 58 were rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application 2005/0010795 to Tagawa et al. Applicants respectfully disagree.

Applicants respectfully submit that the Examiner has mischaracterized the Tagawa reference.

On page 2, the Office Action of November 4, 2005 stated that Tagawa teaches "the host computer downloads information to its primary recording medium. Selected information is then downloaded to a user's PC, i.e. the secondary recording medium", which is a mischaracterization of the Tagawa reference.

Tagawa specifically discloses that **the primary recording medium is realized by a PC, and the secondary recording medium is realized by a DVD disc.** (Par. 0062) on the PC. Furthermore, data is downloaded **from the host computer** (synonymous with the information provider) to the PC. Thus, Tagawa does not show "the host computer downloads information to its primary recording medium." The host computer of Tagawa provides music data to the PC which has the primary recording medium.

Tagawa teaches a different system, which is directed to protecting copyrights and preventing unauthorized duplication of music data. Tagawa discloses a system in which an information provider offers information (e.g. pieces of music data) through a host computer. A user uses a PC to purchase and download the information from the host computer (Paragraphs 0062, 0065). The downloaded/purchased information is recorded on the primary recording medium that is realized by a hard disk of the PC. The PC decrypts and re-encrypts the information for recording on the secondary medium, which is realized by a DVD-RAM disk.

Thus, the above cited statement by the Examiner, made in response to arguments made by Applicants in the previous response, is therefore not a correct interpretation of Tagawa.

In the rejection of the independent claims on page 4-5 of the Office Action, the Examiner indicated that "the host computer downloads information to its primary recording medium" in Tagawa. Applicant respectfully disagrees.

Tagawa's host computer is a centralized computer or server operated by an information provider that offers music data for download. The host computer of Tagawa provides music data. The host computer of Tagawa does not download information. And furthermore, the primary recording medium of Tagawa is realized by a hard disk of the PC, separate from Tagawa's host computer

Thus, the Examiner seems to interpret terms of Tagawa (e.g., primary recording medium, secondary recording medium, host computer) differently from how they are actually defined in Tagawa. Clarification is respectfully requested.

Discussion of claims

Independent claims 1, 26, 41, 57, and 58 have been amended to more specifically point out that the information presented by the information provider is recorded in real time with the presentation.

Independent claim 1 recites a computer comprising "a first logic unit linked with the database to establish a first communications connection with an information provider and to record information presented by the information provider in real time over the first communications connection".

Applicants submit claim 1 is allowable over Tagawa because Tagawa does not teach a computer (host computer or PC) configured to record information presented by an information provider in real time with the presentation of the information over the communications connection with the information provider.

The information provider of Tagawa simply provides pre-recorded music data for download to a plurality of PCs. There is no teaching of recording information presented by an information provider found in Tagawa. Furthermore, there is no teaching of any recording occurring in real-time with the presentation of the information.

At least for the above reasons, claims 2-25 which depend from claim 1 are also allowable over Tagawa.

Independent claim 26 recites "recording information in real time as the information being provided by the information provider over the first communications connection".

Applicants submit claim 26 is allowable over Tagawa because Tagawa does not teach recording information provided by an information provider in real time with the presentation of the information.

At least for the above reasons, claims 27-40 which depend from claim 26 are also allowable over Tagawa.

Independent claim 41 recites "providing an offer of the recorded information to a plurality of users, the information previously being recorded in real time with a presentation of the information through a first communications connection with an information provider, the offer including a description of the recorded information"

Applicants submit claim 41 is allowable over Tagawa because Tagawa does not teach providing an offer of information previously being recording in real time with the presentation of information.

At least for the above reasons, claims 42-51 and 53-56 which depend from claim 41 are also allowable over Tagawa.

Independent claim 57 recites "recording information in real time as the information being provided by the information provider over the first communications connection".

Independent claim 58 includes "means for record information in real time as the information being provided by the information provider over the first communications connection".

Applicants submit claims 57 and 58 are allowable over Tagawa because Tagawa does not teach recording information provided by the information provider over the first communications connection, the information being provided in real time with the recording.

Newly added independent claim 59 recites "establishing a first communications connection with an information provider over a telephone line" and "recording aural/vocal/speech information in real time as the information being provided by the information provider over the first communications connection".

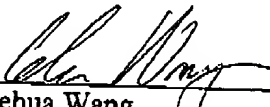
Applicants submit claims 59 are allowable over Tagawa because Tagawa does not teach establishing a connection with an information provider over a telephone line, and further does not teach recording aural/vocal/speech information as being provided in real time by the information provider.

It is respectfully submitted that all of the Examiner's objections have been successfully traversed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

The Director is authorized to charge any additional fees or any underpayment of fees, or to credit any overpayments to **Deposit Account Number 50-2638**. Please ensure that Attorney Docket Number 76705-200201/US is referred to when charging any payments or credits for this case.

Respectfully submitted,

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